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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,949	03/07/2001	Peter Renner	000819	6761

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01/07/2004

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EXAMINER

PHAN, JOSEPH T

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 01/07/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/800,949

Applicant(s)

RENNER ET AL.

Examiner

Joseph T Phan

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-16 rejected under 35 U.S.C. 102(b) as being anticipated by Wolff et al., Patent #5,327,486.**

Regarding claims 1 and 9, Wolff teaches a telephone call announcement system and method comprising (Fig.1):
means and method for answering a phone call initiated by a calling party (col.3 lines 51-55);
means and method for announcing a greeting to the calling party(40 fig.2 or Fig.8);
means and method for obtaining information about the calling party from a database (26 Fig. 2 and col.3 lines 51-60);
means and method for announcing receipt of the call from the calling party to the called party including means and method for announcing an identity of the calling party (*col.3 line 61-col.4 line 11; announcing receipt can read on broadcasting the caller to the called party or the telephone ring itself with the identity of the calling party shown*);
means and method for providing call answering options to called party and for receiving call answering instructions from the called party (Fig.4); and

means and method for completing the phone call according to the call answering instructions received from the called party (labels 42,62-68 of Fig.2 and col.4 lines 43-69).

Regarding claims 2 and 10, Wolff teaches the telephone call announcement system and method as recited in Claims 1 and 9, wherein said means for announcing a greeting includes a voice response unit (10 Fig.1 and col.5 lines 1-6).

Regarding claims 3 and 11, Wolff teaches the telephone call announcement system and method as recited in Claims 2 and 10, wherein said means for providing call answering options including at least the options to connect the phone call between the calling party and the called party, sending the calling party to a voice mail unit, or terminating the phone call (col.4 lines 43-68).

Regarding claims 4,5,7,12,13, and 15 Wolff teaches the telephone call announcement system and method as recited in Claims 2 and 10, wherein said menu for announcing a greeting further includes means for announcing to the calling party that the called party is a cellular telephone customer and providing an option to the calling party to accept the called party's cellular telephone usage charges and if caller declines to accept charges terminate call [Fig.8, col.5 lines 1-6, col.5 lines 44-65 and col.6 lines 37-45; in Wolff's system, the end user is able to announce back to the caller, "you called my cell which accrues charges, stay on the line if you want to accept my cell phone charges (*for urgent calls*) or call my desk number in 30 minutes"].

Regarding claims 6 and 14, Wolff teaches the telephone call announcement system and method as recited in Claims 5 and 13, wherein said means for providing call

answering options includes at least the options to connect the phone call between the calling party and the called party, sending the calling party to a voice mail unit, or terminating the phone call (col.4 lines 54-69).

Regarding claims 8 and 16, Wolff teaches the telephone call announcement system and method as recited in Claims 1 and 9, wherein said means for completing the phone call according to the call answering instructions include means for connecting the phone call, means for switching the calling party to a voice mail unit and means for disconnecting the calling party (col.4 lines 54-69).

Response to Arguments

3. Applicant's arguments filed 10/10/03 have been fully considered but they are not persuasive. In response to applicant's argument that the prior art of record, Wolff, fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies

(i.e., audibly announce an identity of the calling party; and an announcement is made to the calling party that the called party is being contacted to determine if the called party is available to answer the call) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, Applicant argues that Wolff does teach means for announcing a greeting to the calling party, examiner respectfully disagrees as Wolff does teach announcing a

greeting to the calling party, the calling party hears an announcement which greets the calling party (40 Fig.2 or Fig.8 or Fig.9).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T Phan whose telephone number is 703-305-3206. The examiner can normally be reached on M-TH 9:30-6:30, in every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

JTP
January 5, 2004

JTP

Allan Hoosain
ALLAN HOOSAIN
PRIMARY EXAMINER *for*
Fan Tsang